



Council Meeting - Agenda

CITY COUNCIL CALENDAR

Thursday, January 10, 2008 - 7:00 p.m.

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OPENING OF SESSION BY: CITY COUNCIL PRESIDENT GONSALVES

***PRAYER LED BY: REVEREND ROBERT OLIVEIRA, PASTOR, HOLY NAME OF THE
SACRED HEART CHURCH AND NEW BEDFORD FIRE DEPARTMENT CHAPLAIN***

PLEDGE OF ALLEGIANCE

HEARINGS

1. HEARING, on Petition of NSTAR Electric Company, for location of three (3) 4' conduits and one (1) manhole in SILVA STREET, South of Blackmer Street.
 - 1a. AN ORDER,
2. HEARING, for the DISCONTINUANCE OF A PORTION OF TABER STREET, (50 Feet Wide) from West Street, easterly approximately 315 feet more or less. (Submitted with advisement from City Solicitor "that the City of New Bedford retains a utility easement in the property in perpetuity for the purpose of constructing, maintaining, replacing or repairing the present sewer main, water main and such other utilities as are present therein, or as may be required in the future.)
 - 2a. COMMUNICATION, Acting City Engineer Duarte M. Andrade, submitting METES and BOUNDS for DISCONTINUANCE OF A PORTION OF TABER STREET, (50 Feet Wide) from West Street, easterly approximately 315 feet more or less.

MAYOR'S PAPERS

- M1. COMMUNICATION, Mayor Lang, to City Council, submitting the information that the New Bedford Regional Airport Commission, at a meeting of December 20, 2007, voted to offer the position of Airport Manager to Edward DeWitt, 116 Pin Oak Way, Falmouth, MA 02540, (Mr. DeWitt will be a New Bedford resident within 90 days of the appointment) with request for approval of the pay rate at Grade M-13, Step 8 at \$79,936. per year.
- M2. COMMUNICATION, Mayor Lang, to City Council, submitting the APPOINTMENT of CYNTHIA EDWARDS, 102 Oak Street, New Bedford, MA 02740 as a member on the HOUSING AUTHORITY, replacing Cynthia A. Rose (formerly Cynthia A. Barboza) who has moved to Dartmouth; this term will expire December 2011.
- M3. COMMUNICATION, Mayor Lang, to City Council, submitting the REAPPOINTMENT of GLENN GRIMES, 119 Rockland Street, New Bedford, MA 02740 as a Member of the TRAFFIC COMMISSION; this term will expire December 2010.

NEW BUSINESS

3. LOAN ORDER, ORDERED, that \$3,317,000.00 be APPROPRIATED for the purpose of department equipment; that to meet this Appropriation, the Treasurer, with the approval of the Mayor and the Committee on Finance, is authorized to borrow \$3,317,000.00 under Chapter 44 of the General Laws or any other enabling authority; that the Mayor is authorized to take any other action necessary to carry out this

project; and that the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all of the Bonds, and to provide such information and execute such documents as the Board may require for these purposes. (Passed to a Second Reading as Amended In City Council, 12/20/08 to \$3,317,000.00, advertised 12/27/08 – to be Adopted.)

4. AN ORDINANCE, Amending Chapter 17, Section 17-18, subsection (j), Relative to Advertising on Trees and Poles. (Passed to a Second Reading 12/20/07, advertised 12/27/07 – to be Passed, to be Ordained.)

5. WRITTEN MOTION, Councillor Coelho, requesting that the City of New Bedford plant evergreen trees in each park across the City so these trees can be used to replace the trees that are cut down every year for use at Christmas; these permanently planted trees are environmentally sound, and it would be a savings to the taxpayers in terms of money and the use of City services.

6. WRITTEN MOTION, Councillor Coelho, requesting that the Committee on Ordinances look into drafting an Ordinance that would require landlords to provide tenants with one trash barrel per apartment for however many apartments are contained in any given building. (To be referred to the Committee on Ordinances.)

7. WRITTEN MOTION, Council President Gonsalves and Councillor Pimental, requesting that the City Council investigate why the South Terminal still does not have underground cable service. (To be referred to the Committee on Appointments and Briefings.)

8. WRITTEN MOTION, 2007 Councillor Pina, Council President Gonsalves, Councillors Lawrence, Morad and Alves, requesting that the School Department look into adding a Mandatory Anger Management Class for first-year High School students, with the culmination of said class being a field trip to a large City morgue, so that these young people may have a better understanding of the consequences of their actions and the finality of death.

9. WRITTEN MOTION, Councillor Morad, requesting on behalf of Thaddeus and Leslie Baszak, 1055 Cherokee Street, that the Planning Board take the necessary actions to abandon a portion of Morton Avenue, from its intersect with Cherokee Street, northerly to its intersect with June Street. (To be referred to the Planning Board.)

9a. COMMUNICATION, To Councillor Morad, dated December 06, 2007, from Irene B. Schall, City Solicitor, regarding legal status of Morton Avenue. (To be received and placed on file.)

10. WRITTEN MOTION, Councillor Alves, in an effort for the City Council to be better prepared to advise local residents, that the Committee on Appointments and Briefings invite and meet with Representative(s) of the "New Bedford/Fall River Housing Partnership" to learn about the "Mortgage Check-up & Counseling Workshops" that are being held in the area to inform New Bedford residents about the "Mass Housing's Home Saver Program" instituted to give assistance to and help prevent residents from losing their homes because of "Predator" mortgage companies that have been preying on homeowners with adjustable mortgage rates, or to assist those families who are in fear of losing their homes due to a lost job or decreased earnings, as part of a joint commitment to assist our local homeowners.

11. WRITTEN MOTION, Councillor Alves, asking that, in light of the excessive number of elections that are currently planned to be held in the City of New Bedford this year, and in an effort to ENCOURAGE VOTER PARTICIPATION and to ensure VOTER PRIVACY, as well as to show the voting public some respect for their effort to participate the Country's greatest opportunity to pick our governmental leaders, that the City Council go on record noting our concern for the lack of effort the City has shown for the current condition of the voter booths used in the City of New Bedford; and further, requesting that the Administration and the Election Commission seek the support and assistance of the Greater New Bedford Regional Vocational Technical High School and/or the Sheriff's Office to assign a group of individuals to change the torn and tattered coverings on the current voter booths so as to demonstrate respect and create a decent environment for those who take the time to come out to vote.

12. WRITTEN MOTION, Councillor Gomes, requesting that a letter be sent to Bristol County District Attorney Samuel Sutter and his Staff, thanking them for their actions in his first year as District Attorney, and for utilizing the laws that have been placed in the Commonwealth of Massachusetts to fight crime on our City streets as well as commending the District Attorney along with his Staff for work well done; and further, requesting that they continue to use every law possible to fight crime and those individuals who obstruct justice by withholding information from the authorities investigating criminal activity within our City's neighborhoods.
13. WRITTEN MOTION, Councillor Gomes, requesting that the Committee on Ordinances meet to discuss the possibility of establishing a City Ordinance that would fight computer bullying against teens and others, in light of the ongoing complaints of computer bullying happening within our City area.
14. WRITTEN MOTION, Councillor Gomes, requesting that, if the City accepts the plan to pave a pathway on the Hurricane Dike, that the Mayor also include a provision in the budget for the installation on this pathway, of flagpoles representing the cultures of people who have made a contribution to the City of New Bedford, along with markers giving a brief description of their contributions to this City and its history.
15. WRITTEN MOTION, Councillor Gomes, requesting that the Mayor appropriate \$8K – \$10K dollars for the purpose of painting the newly ordered Police cruisers black and white, instead of just white, in light of the requests of several patrolmen, and to provide the Department with a “new” look as we move forward in providing public safety for the people of this City.
16. WRITTEN MOTION, Councillor Gomes, requesting that the lights south of the Hayden-McFadden School, under the I-195 overpass, be repaired; there are presently four light poles that need to be checked out to see if new bulbs need to be installed, or if major repairs need to be made, in light of the area being used by area youth for skateboarding.
17. WRITTEN MOTION, Councillor Gomes, requesting, once more, that the State Legislative Delegation, including Senator Montigny, continue to work to bring down the cost of insuring a home in this area under the Mass Fair Plan, which continues to look for increases that residents of this area can no longer sustain; further, that the Attorney General's Office continue its work to address this issue, which, in this petitioner's opinion, is a grossly unfair hike in the increase percentage that has already been put upon homeowners in the New Bedford area; and further, that a letter be sent to our State Delegation, Senator Montigny and Attorney General Coakley addressing this issue.
18. WRITTEN MOTION, Councillor Gomes, requesting that a letter be sent to DPF Superintendent of Parks and Public Places Kenneth Blanchard and his Staff, commending them for the excellent job done in removing the snow during the past couple of storms in the City, but also asking that Mr. Blanchard advise his plow drivers to follow the policy and procedure already in place within the City, which is, when cars are parked on the opposite side of a fire hydrant, that the snow be pushed to the side of the street where vehicles have been requested not to park; and further, that we consider alternative solutions in sections where we push snow up on people's property or sidewalks that hinder their opportunity to get out of their driveways, or when snow is possibly placed in areas against historical homes/walls, such as recently when the snow off of Anthony Street was pushed up against a historical house on Bedford Street.
19. WRITTEN MOTION, Councillor Gomes, requesting that the City take immediate action to address the signage being placed on City poles; in light of the increase in the fines that the City Council has just approved, this would be a revenue generator for the City, and an incentive for those who have violated this City's Ordinance by placing signage across the City to cease.
20. PETITION, Carlos Manuel Torres, d/b/a/ Torres Transportation, 32 Katherine Street, New Bedford, MA 02744, requesting that he be granted a NEW Private Livery License under the provisions of Massachusetts General Laws, Chapter 159A, Section 1, and amendments thereto, and all other laws applicable to such operation, to carry passengers for hire over the streets of New Bedford. (Submitted by Councillor Pimental.)

20a. ORDER,

21. PETITION, Walter J. Callahan, d/b/a/ Transit Services, Inc., 987 Pleasant Street, New Bedford, MA 02740, requesting a RENEWAL of a Private Livery License under the provisions of Massachusetts General Laws, Chapter 159A, Section 1, and amendments thereto, and all other laws applicable to such operation, to carry passengers for hire over the streets of New Bedford. (Submitted by Councillor Duarte.)

21a. ORDER,

22. COMMUNICATION, City Clerk, to City Council, submitting request for WAIVER OF RESIDENCY for BENJAMIN B. BAKER, 29 Water Street, Dartmouth, MA 02748 as a Member of the AIRPORT COMMISSION, EFFECTIVE DECEMBER 20, 2007; term will expire December 2010. (Note: Mr. Baker was Reappointed to Airport Commission In City Council, December 20, 2007.)

23. COMMUNICATION, 2007 Council President Alves, from First Assistant City Solicitor Jane Medeiros Friedman, RE: Discontinuance of a portion of Flint Street, from Daniel Street to Tarkiln Hill Road, submitting an Affidavit filed with the Bristol County Registry of Deeds (S.D.) and Certification from Attorney Marc R. Deshaies. (Copy all Councillors 01/07/08.) (To be Received and Placed on File.)

24. COMMUNICATION/EMAIL, Jacqueline Coucci, Senior Program Manager, to Mayor Lang (cc: All Councillors), re: Buttonwood Senior Center Temporarily closed for Renovations. (Copy all Councillors 01/04/08.)

TABLED BUSINESS

02/23/06 WRITTEN MOTION, Councillor Saunders, requesting RECONSIDERATION on the matter of the COMMUNICATION, Mayor Lang, to City Council, submitting for approval the RE-APPOINTMENT of JOSE GOUVEIA, 112 Bryant Lane, New Bedford, MA, to the HARBOR DEVELOPMENT COMMISSION, whose term expired December 2001. This appointment will expire December 2007. (Appointment Confirmed – Yeas 11, Nays 0 at the regular City Council Meeting on February 09, 2006 Agenda.) (Note: This Item, which is Item #L14 on Late File Agenda was confirmed on a Substitute Motion by Councillor Morad, which was allowed, and Appointments Confirmed on Items L8, L10, L11, L12, L14, L16, L31 and L33.)

02/23/06 COMMUNICATION, Mayor Lang, to City Council, submitting for approval the RE-APPOINTMENT of JOSE GOUVEIA, 112 Bryant Lane, New Bedford, MA, to the HARBOR DEVELOPMENT COMMISSION, whose term expired December 2001. This appointment will expire December 2007.

08/17/06 CITATION, Councillor Pina, honoring BELMIRO FERNANDES, United States National Guard, in recognition of his serving our Country in Operation Iraqi Freedom, from September 06, 2005, until July 06, 2006.

02/08/07 HEARING, on APPLICATION of CYNTHIA AND ERIC BELINKOFF, 366 HATHAWAY REALTY TRUST, 366 HATHAWAY ROAD, NEW BEDFORD, MA 02740, requesting AN INCREASE in License to keep, store and/or sell products of CRUDE PETROLEUM or any of its products, at 366 HATHAWAY ROAD, being Plot 94, Lot 20; Application is for 40,000 GALLONS (from 25,520 gallons) of gasoline and diesel fuels underground. (License for 25,520 gallons was previously granted on September 13, 1973, to Texaco, Inc., and registered to 366 Hathaway Realty Trust in August 2006.) (In City Council February 08, 2007 – Tabled until next Council Meeting – February 22, 2007.) (In City Council February 22, 2007 – Motion by Councillor DeMedeiros to keep item on the Table ADOPTED – All Ayes. – TABLED.)

02/08/07 AN ORDER, (In City Council February 08, 2007 – Tabled until next Council Meeting – February 22, 2007.) (In City Council February 22, 2007 – Motion by Councillor DeMedeiros to keep item on the Table ADOPTED – All Ayes. – TABLED.)

12/20/07 RESOLUTION, Councillor Saunders, honoring the WHALING CITY CLIPPERS.